

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

May 06, 2025

LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
DEPUTY CLERK

DAVID MEYERS,)	
Plaintiff,)	Civil Action No. 7:25-cv-00044
)	
v.)	
)	By: Elizabeth K. Dillon
MAJOR T. HALL, <i>et al.</i> ,)	Chief United States District Judge
Defendants.)	

MEMORANDUM OPINION AND ORDER

The court dismissed this action by plaintiff David Meyers, a Virginia prisoner proceeding *pro se*, because plaintiff did not comply with the court's conditional filing order. (Dkt. No. 5.) Meyers now moves to reopen this case and to consolidate this case with another of his cases, 7:25-cv-00045 (W.D. Va.)

Plaintiff claims that defendants committed "obstruction" and as a result, Meyers was unable to comply with the court's conditional filing order. Based on this representation, the court finds that plaintiff's failure to comply with the conditional filing order was justified by excusable neglect. *See* Fed. R. Civ. P. 60(b)(1). Therefore, the court will grant the motion to reopen. Finding no grounds to justify consolidation at this time, *see* Fed. R. Civ. P. 42, the court will deny the motion to consolidate cases.

It is HEREBY ORDERED that plaintiff's motion to reopen (Dkt. No. 6) is GRANTED. Meyers shall have thirty days from this order to comply with the requirements in the court's conditional filing order (Dkt. No. 4). Plaintiff's motion to consolidate cases (Dkt. No. 8) is DENIED without prejudice.¹

¹ Plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 9) shall remain pending and be referred to the assigned United States Magistrate Judge for consideration.

The Clerk is directed to transmit a copy of this memorandum opinion and order to plaintiff.

Entered: May 6, 2025.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
Chief United States District Judge